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Question of the Falkland Islands (Malvinas)

Letter dated 29 January 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

In accordance with instructions received from the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to refer to the letter dated 3 January 2015 from the Permanent Representative of the Republic of Argentina to the United Nations addressed to you (A/69/716). I enclose a detailed annex in response to the specific points made by the Permanent Representative. I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda item 44.

(*Signed*) Mark **Lyall Grant**

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Annex to the letter dated 29 January 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

The United Kingdom is clear about both the historical and legal position on the sovereignty of the Falkland Islands. No civilian population was expelled from the Falkland Islands on 3 January 1833. An Argentine military garrison had been sent to the Falkland Islands three months earlier in an attempt to impose Argentine sovereignty over British sovereign territory. The United Kingdom immediately protested and later expelled the Argentine military garrison on 3 January 1833. The civilian population, who had previously sought and received British permission to reside on the Islands, were encouraged to remain. The majority voluntarily chose to do so. In 1833, the territorial borders of the Republic of Argentina did not include the geographical southern half of its present form, nor any territory in the Falkland Islands, Antarctica, or South Georgia and the South Sandwich Islands.

The land which now forms the Argentine province of Tierra del Fuego, of which the Republic of Argentina purportedly claims the Falkland Islands forms a part, did not itself form part of the Republic of Argentina until approximately half a century after 1833, by which time the current Falkland Islands people had lived and raised two generations on the Islands. British sovereignty over the Falkland Islands dates back to 1765, some years before the Republic of Argentina even existed. The United Kingdom has never implanted any civilian population; all civilians have voluntarily migrated to, or been born in, the Falkland Islands. Civilian migrants voluntarily came from a large number of countries, as they did throughout the whole Americas region, including Argentina, during the nineteenth century.

The Republic of Argentina's claim to the Islands, which it bases on the principle of disruption to its territorial integrity, is without foundation, as the Islands have never legitimately been administered by, or formed part of, the sovereign territory of the Republic of Argentina.

The United Kingdom's relationship with the Falkland Islands, and all of its Overseas Territories, is a modern one based on partnership, shared values and the right of the people of each territory to determine their own future. The United Kingdom Government attaches great importance to the principle of self-determination as set out in Article 1.2 of the Charter of the United Nations and article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands. Argentina continues to deny that these fundamental human rights apply to the people of the Falkland Islands, and also to act in ways which go against the principles established in the Charter of the United Nations.

The United Kingdom remains committed to defending the rights of the people of the Falkland Islands to determine their own political, social and economic future. The United Kingdom once again urges the Government of Argentina to respect the outcome of the referendum held on the Islands in March 2013, when the Falkland Islanders categorically made their wishes known to the international community by 99.8 per cent of the electorate deciding to maintain their current political relationship with the United Kingdom. There will be no negotiation on the

sovereignty of the Falkland Islands unless and until the Islanders so wish. They have made clear that they do not.

The United Kingdom unequivocally supports the right of the Falkland Islanders to develop their natural resources for their own economic benefit. This right is an integral part of their right of self-determination, which is expressly contained in the International Covenant on Civil and Political Rights. All hydrocarbon-related activities on the continental shelf of the Falkland Islands are regulated by legislation of the Falkland Islands Government, in strict accordance with the United Nations Convention on the Law of the Sea. The passage of Argentine domestic legislation which introduces criminal charges against any individual or company having any direct or indirect interest in hydrocarbon-related activities on the continental shelf of the Falkland Islands, or South Georgia and the South Sandwich Islands, is considered to be unlawful by the United Kingdom. The continental shelf of the Falkland Islands, South Georgia and the South Sandwich Islands does not form part of the Republic of Argentina's continental shelf, nor are their maritime areas recognized as part of the Republic of Argentina's continental shelf under international law. It therefore follows that Law 26.659 and any subsequent amendments do not apply to the continental shelf surrounding the Falkland Islands, or South Georgia and the South Sandwich Islands. Accordingly, any attempt by the Republic of Argentina to enforce its domestic legislation against individuals or companies involved in hydrocarbon exploration on the said continental shelf would be contrary to international law.

The United Kingdom is not militarizing the South Atlantic. Our military presence in the South Atlantic is entirely defensive in nature and has remained unchanged for many years. In fact the United Kingdom's military presence on the Falkland Islands has been significantly reduced over time. The military presence peaked at over 20,000 personnel in the aftermath of the illegal Argentine invasion of 1982. In the mid-1990s the figure stood at around 1,800. And, since 2002, it has remained at the current figure of around 1,200. It must be stated that the only reason why there has ever been a United Kingdom military presence in the Falkland Islands is the invasion of the Islands by Argentina in 1982.

The United Kingdom notes that the Republic of Argentina regularly refers to regional statements of diplomatic support for Falkland Islands sovereignty negotiations, including Organization of American States (OAS) General Assembly resolutions, United Nations General Assembly resolutions (the last of which was adopted in 1988) and resolutions of the United Nations decolonization Committee. However, none of these regional statements or specific Falkland Islands resolutions fully reflects the legally binding principle of self-determination enshrined in the Charter of the United Nations, or the modern relationship between the United Kingdom and its Overseas Territories. Regional statements from OAS and others, or United Nations General Assembly resolutions, do not modify or dilute the obligation of nations to respect the Falkland Islanders' right of self-determination, enshrined under the Charter of the United Nations.

The United Kingdom, the Republic of Argentina and the Falkland Islands Government have successfully discussed issues of mutual interest in the South Atlantic, such as fisheries and hydrocarbons issues in the past (during the 1990s and early 2000s). It should be noted that this cooperation continued until the Government of Argentina walked away from the South Atlantic Fisheries

Commission and unilaterally decided to withdraw in 2007 from the Joint Declaration on cooperation over hydrocarbons signed in 1995. The United Kingdom and the Falkland Islands Government remain willing to discuss areas of mutual interest in the South Atlantic, with the precondition that representatives of the Falkland Islands Government must participate in any discussion of issues that affect the Falkland Islands people directly.